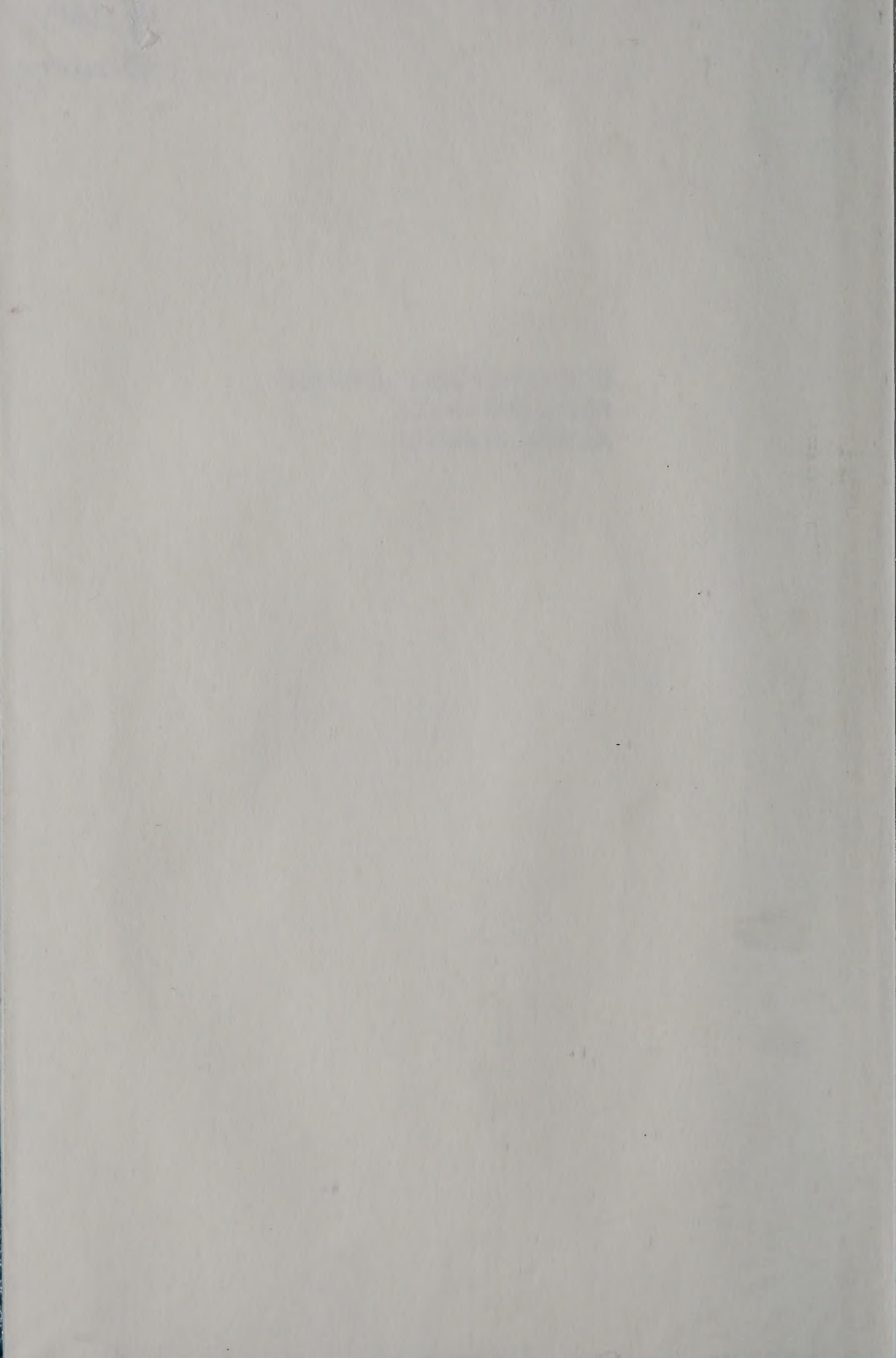
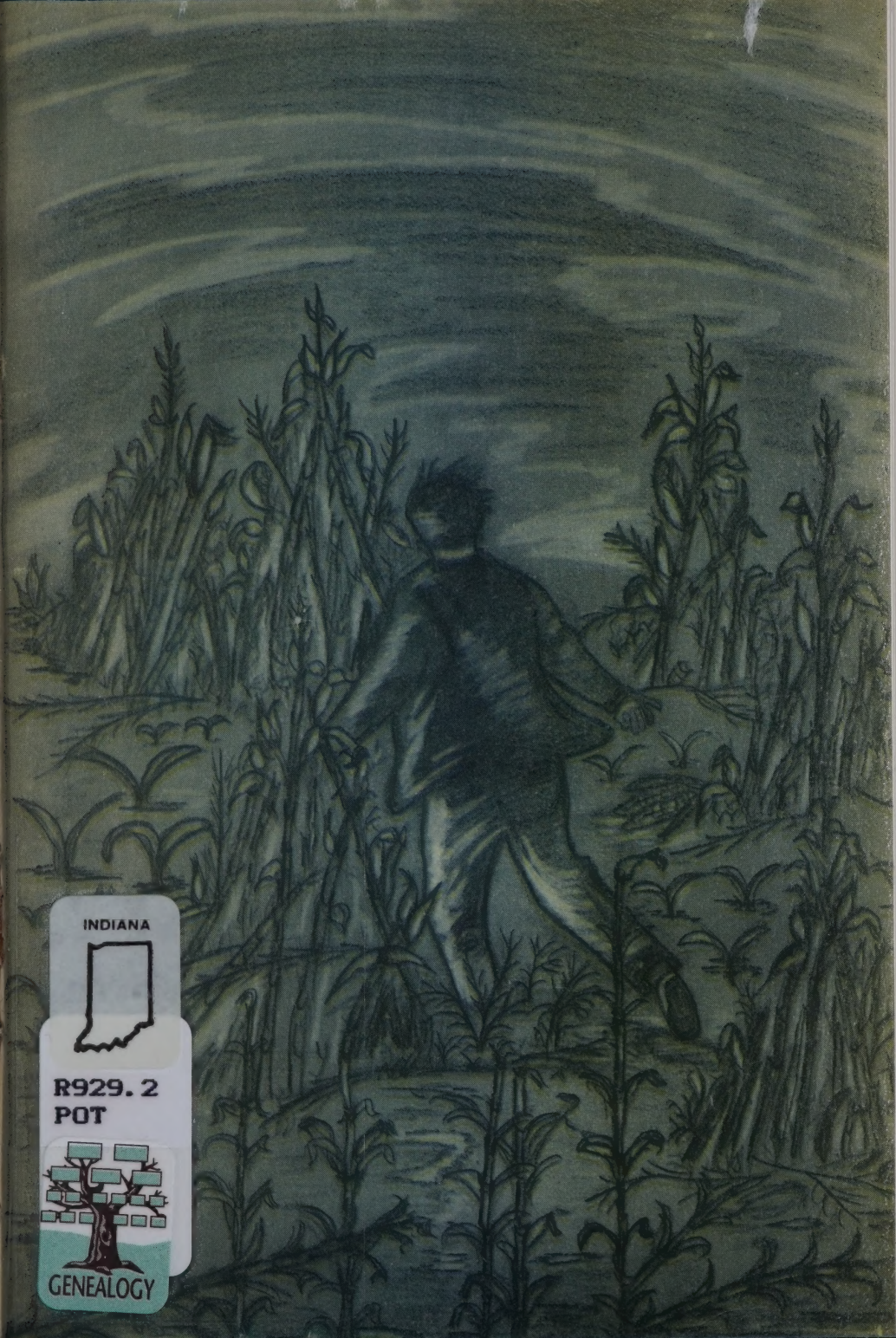
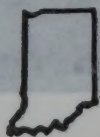


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THE LIFE OF MARVIN KUHN

BY
WILLIAM CAMPBELL

REDUCED, REVISED, AND WRITTEN
BY
REX M. POTTER

FOREWORD

Marvin Kuhns during his life was a widely known and deeply feared desperado. His career of crime began in Noble County, Indiana. He disposed of stolen goods in Fort Wayne. His operations carried him into other parts of northern Indiana, and north-western Ohio. His criminal exploits included arson, horse thieving, murder and burglary. He was no Robin Hood who shared his stolen properties with the needy. He was not a gallant antagonist. He was at his worst when drunk. He did however have friends and admirers. He did possess the love and loyalty of at least two women.

Few people are now alive who knew Marvin Kuhns. Newspaper accounts of his exploits are few. A long and verbose sketch of Marvin Kuhns by William Campbell and an unacknowledged publisher was loaned to us several years ago by a local gentleman who seemed to prize it very much. It was copied and returned to him. We do not now recall his name that we might acknowledge our debt to him. Later Miss Lucille Williams, librarian of the Kendallville Public Library kindly loaned us a treasured copy which was useful in completing the work. We have seen no other copies of the pamphlet. It did possess in its revelations all the verisimilitude of the truth. It is probably as truthful as it was possible to make what appears to have been a contemporary account.

We have reduced and condensed the original text by half and have removed many expletives and comments not necessary to the narrative and made numerous emendations in rhetoric whenever current usage has indicated.

Four contemporary newspaper articles are included as appendices to corroborate to some extent the statements of the author. No other newspaper stories were available.

FOREWORD

Rex M. Potter
Director of Research

MARVIN KUHN, MURDERER AND HORSE THIEF

Simon Peter Kuhns, born in 1823 in Fairfield County, was the father of Marvin Kuhns. The elder Kuhns descended from middle class farming people. He enlisted in the army and served throughout the Mexican War. Thereafter he joined the army of gold seekers and went to California. He spent two or three years in mining camps; he plunged into the free and abandoned life of early California. He returned east thoroughly imbued with the right of self-defense. He was laden with many anecdotes of the rough and wild life he had lived during that period. Simon Kuhns, soon after his return east, married a girl who lived in Perry County, Ohio. They moved to Noble County, Indiana and purchased a small farm near Wolf Lake. Five children were born from this union--three boys and two girls. Marvin was born May 5, 1867.

In 1875 Simon Kuhns moved with his family to Green Township, Noble County, and settled upon an eighty acre farm about six miles southeast of Albion. This land is very hilly and is cut here and there by deeply wooded ravines and sloughs. Much of the land at that time had not been cleared; a large wooded tract extended to the very door of the Kuhns home. The house itself was very ordinary and commonplace. It comprised three or four rooms. Marvin spent his boyhood days in this home.

At night Simon Kuhns and his children sat about the fire; he related his adventures in California mining camps. Simon Kuhns wove fabulous tales about his encounters with Indians, Mexicans and Western des-

peradoes; he spoke feelingly of the utter cowardice of the man who would not stand up for his rights. Unwittingly Simon Kuhns, not a criminal, but an ignorant and not particularly intelligent man, impressed concepts upon Marvin which nurtured criminal proclivities. Simon, obsessed with the concept of lawless self-defense impressed Marvin with similar equally pronounced views.

When Marvin was very young his schoolteacher took occasion to scold and beat Marvin. Since Marvin was only a child he did not resent it. However, he related the circumstance to his father. The old grey-haired and long-bearded man arose from his chair, walked across the room and took from the cupboard a large butcher knife; after he had sharpened its keen blade, he handed it to the wondering boy with these words: "If that teacher ever touches you again, use this." These words burned into the boy's mind.

Joseph Kuhns, oldest brother of Marvin said:

"The treatment which my brother Marvin received at the hands of his father would have driven any boy of Marvin's intelligence and make-up to do the same things that he did. I have seen my father strip him and beat him till the blood ran down his legs, and then drive him from the house in that condition. We were then living on a piece of land known as Scope Island on the banks of a small tributary which runs into the Elkhart River. Marvin often hid on the banks of this stream; there it was that I used to find him half-naked and half-starved, crouching in the bullrushes, fearful of the coming of his father, whose very presence inspired terror and desperation in the very marrow of his bones. It was there I used to take him clothes and it was under such conditions that the boy developed that hatred which he bore toward all people.

"Even after the boy Marvin left home he was persecuted by his father. He obtained work on the

farm of Mr. R. E. Beesecker; as soon as his father discovered that the boy was there he threatened Beesecker with prosecution for harboring the boy; in this manner he obtained his discharge. Marvin then went to work for Mrs. Charles Kreiger, who lives near the Stanley schoolhouse and the same persecutions by the father followed the boy. This is the life which he was forced to lead; one night when we were in Wolf Lake Marvin was without clothes and said to me: 'I'll have some clothes tonight if I have to steal them,' and thus came the robbery of Perry Gray's store, which was the first theft for which Marvin had to go to jail."

It has been frequently related the most important crime which Marvin Kuhns committed in the early years, while he was working on his father's farm, was the burning of the local school building which he attended. It has been impossible to get any accurate data upon this event. But "Uncle" Mark Sherwood, who was one of Marvin's closest friends and neighbors, tells the story in the following way:

"Marv had been going to school off and on for about six years, and was in his eleventh or twelfth year, when one day he received a very severe trouncing. The boy came home and said nothing. He sat moodily in the corner beside the stove, and finally after the family had gone to bed, we were aroused by cries from our neighbors that the schoolhouse was on fire. This was true, while we stood around that burning building, and watched the troubled look on the face of the teacher, I observed Marvin with a gleam of triumph and victory in his eyes. This bespoke his guilt." This story, however, was strenuously refuted by Mrs. Kuhns, who asserted that Marvin did not commit the arson. Furthermore she alleged that the school was accidentally burned by two boys who had secreted themselves in the building to play cards. However, the crime was laid at Marvin's door by

public opinion, and the accusation was generally supported by analagous crimes committed about the same time.

Young Kuhns was, however, implicated in criminal affairs more serious than this, before he was hailed before the Noble County court to account for his crimes.

Mrs. Sherwood, Mr. Charles Rosenogle and Mr. Charles Ulm stated that they suffered many times from the depredations of this youthful criminal. Meats, which the elder Kuhns had helped to slaughter, and which he had hung in their barns, mysteriously disappeared, but were later traced to Fort Wayne, where it appears that Marvin operated a well organized fence. One neighbor missed four gallons of homemade wine, upon her return from a shopping trip to Albion; Kuhns later admitted this theft.

All these smaller affairs happened before he left home and were possibly committed by him in emulation of his father's deeds and stories.

In a letter to the governor of the state of Ohio, Kuhns remarked that he spent more time during his boyhood days "hopping" clods than he did in school.

When he was twelve years old he left school, and went to work on his father's farm. The relations between the two were strained. The eccentric character of the elder Kuhns, and the wild, unsettled nature of the boy Marvin contributed to this ill-will.

In the spring of 1879, Marvin put out the crops and worked faithfully throughout the summer. However, before the harvest his father drove him from home and he was thus deprived of the fruits of his labor. This embittered him. He remarked to an old friend of his mother's that the "world owes me a living, and I am going to have it, come what may." This remark was the prelude to a more desperate career of petty thievery.

He went to work, however, on the farm of his cousin, Thomas Collier, near Pierceton, Indiana. Also he worked for Leander James in Kendallville.

The four years between 1879 and 1883 were quite devoid of any important instance of criminality. However he led a roving existence and lived by occasional bits of farm work. Also he availed himself of the hospitality of his numerous friends. During this time he gained some reputation as a desperado. Until 1883, he had really done nothing to warrant such a name.

In the fall of 1883, Kuhns fell into the depths of despair. A contributing factor to this was his dissolute life. He broke into the back door of Perry Gray's general store at Wolf Lake, Noble County, Indiana. He exchanged his old suit for a new garment; he removed his old shoes and fitted himself out with a new pair, leaving a note of thanks pinned on his old clothes.

Soon apprehended and jailed in the Noble County jail, at Albion, Kuhns was charged for the first time with a felony, viz., a burglary. For the first time a serious charge was laid at his door. While in jail, his cell mate was a well known horse thief named Jack Howell. This man did much toward further corrupting Kuhns. Their association resulted in the famous jail break which gave Marvin Kuhns his first right to the name of the Noble County desperado.

Jack Howell was perhaps the most noted horse thief who ever infested northern Indiana. Evidence brought in the trial of Howell showed that he had been implicated in the theft of more than 100 horses. He filled his cell mate, Marvin Kuhns, with the tale of his crimes.

Robert P. Barr, of Kendallville, Indiana, was employed as counsel to defend Howell, and he related the story of the way Howell influenced Kuhns in the following manner:

"Sheriff Braden came to me one day in my office and said: 'It is a pity that the county jail is so crowded that a young stripling like Kuhns must be confined in a cell with so desperate a character as Howell. I have sat by the house in the corridor outside their cell and heard Howell tell Kuhns of the various tricks and devices used by the professional horse thieves in the stealing of horses. He used to tell Kuhns of the various well known 'fences' where stolen horses could be sold. It will be strange if Kuhns does not turn out to be a man like Howell.'"

The association of Marvin with Jack Howell, a hardened criminal, during their terms of joint incarceration did not make for Marvin's reformation but rather for the conception and creation of criminal ideals and traits.

The first indictment for the burglary of Gray's store was returned against Kuhns on February 1, 1881; he was incarcerated in jail two days later. He and Howell were jailed until Friday, May 23, awaiting the May term of court. The two criminals conceived the idea of breaking jail. In some way, now unknown, they obtained files with which they cut the bars on the windows. Possibly John Kuhns, the younger brother of Marvin spirited them into the Bastille. He had visited the jail in the evening; the men started to work; after much effort they sawed a hole through two sets of steel gratings about 8 x 10 inches. Kuhns slipped through the hole in the north window first and dropped about twenty-five feet to the ground, landing in the soft sod of the jail yard. Possessing a slim and athletic body of only seventeen years, he experienced no difficulty in crawling through the opening. Howell, however, a man of middle age, short and stocky, attempted to wiggle through the aperture and stuck midway. He was as fast as he could be and cried to Kuhns to assist him in some manner if possible, even going

so far as to suggest to Kuhns to ring the sheriff's door bell, and notify him of Howell's predicament. Kuhns, however, young as he was, full of inventive genius hit upon a better plan. He repaired to the sheriff's barn; he appropriated the sheriff's harness; he tied them in a loop. He then raised the loop on two fish poles, found conveniently near, and passed them to Howell. The latter had pushed his head through the window. His abdominal girth, however, made further emergence impossible. Kuhns directed Howell to fasten the lines around his shoulders; the combined efforts of the two sufficed to drag Howell over the jagged steel snags and out of the cell into freedom.

In the words of Mr. Barr, who says: "The next morning I examined the ragged edges of the cut window; I saw sundry and diverse strips of Mr. Jack Howell's good horse thief hide, which he had left on the jagged edges of the broken bars when he kicked himself through."

They then started upon a well defined plan of escape combined with a thieving expedition. They walked south of Albion to the farm of Thomas J. Young. They entered Mr. Young's barn, hitched up his bay mare to a single buggy and drove south, making for the Kentucky state line. They left Mr. Young's horse near Wabash, Indiana, and after several similar exchanges, among which were a pair of bay driving mares stolen from a livery barn at Wabash. These were valued at over \$600; three days after the jail break they were captured in the woods south of Wabash. Kuhns wore feminine clothing, which he had stolen from a nearby farmhouse. When captured both seemed to treat the escape as a huge joke. Kuhns was too much interested in the amount of space which he was receiving in the daily papers. He seemed well pleased that he was attracting so much notoriety throughout the state. Later events tend to show that

the love for notoriety was a primary stimulus to his criminal career.

Upon their capture Kuhns and Howell were immediately returned to Albion and confined in a safer cell until Judge Adair was ready to proceed with their trial to be held the next week. The newspapers all over the county made a great deal of news out of the escape of Kuhns. Soon he began to be known as the Green Township desperado. As he progressed in his career he took on the more pompous name of the "Noble County Bandit." Both of these appellations pleased Kuhns and he made the idle boast to Sheriff Braden that he would show the people of Noble County if they ever locked him up again that he was a desperado. Thus again he showed the resentful character, which his father influenced him to cultivate.

The trial of Kuhns was not an important affair. He was under several indictments for the robbery of Gray's store, the stealing of Young's horses and other crimes which he and Howell had committed, while they were on their jail breaking escapade.

Kuhns was found guilty and sentenced for five years in the penitentiary at Michigan City, Indiana. At the same time Howell was also sentenced for seven years, but was later brought back and tried on another charge for which he received an additional term of eight years. He died in the penitentiary while serving his last term.

The prison days of Kuhns were devoid of interest. He went to work in the furniture factory of the penitentiary and there became proficient in his trade. He also became a trusty, which spoke well for him and his friends, when the latter were trying to secure a parole for him from Governor Gray.

The people of his neighborhood and of the county generally did not have an image of Kuhns as a really dangerous man. They all regarded him as a mis-

guided youth, who ignorant as he was, had been subjected to harsh treatment at home and who had been misled through his association with Howell. This group of Kuhns' friends, headed by Henry C. Stanley, of Albion, the father of Perry Stanley, a late sheriff of Noble County, worked earnestly for his parole.

Joseph A. H. Mitchell, then a judge of the Supreme Court of Indiana influenced Governor Gray to accord almost immediate attention to the Kuhns petition for a parole. After much argument and a great deal of persuasion, Governor Gray was induced to sign the parole. Kuhns then returned to Noble County having served only two years of his term. He was now a more notorious character than ever.

It was not definitely known just what his movements were upon his release from jail. His movements are now obscure, but in the words of Attorney Welker of Albion, "he was implicated in much inconsequential mischief." He drank a great deal and posed as a desperate character, glorying in his record viz., that he, a youth of only nineteen years, had already served a term of two years in the State Penitentiary. He was the hero of his boyhood friends and not their disgraced companion. His notoriety increased and the uneducated mind of Kuhns was filled with visions of ever larger crimes. By means of these he hoped to attain greater notoriety. Already his love for notoriety had become a mania. He desired an opportunity to appear big, bold and brave.

Upon Kuhns' return from the penitentiary at Michigan City, after he had been paroled by Governor Gray he had an encounter with the officials which again landed him in jail. Richard Williams had been county sheriff some years before and he had repeatedly made the idle boast that he would slap Kuhns' face if the latter again spoke to him. Kuhns heard this challenge, while in Albion one day; it nettled him a great deal.

The two met on the court house square and Kuhns reminded him of the threat and offered fight. Mr. Williams called to his assistance the sheriff then in office, Mr. George McClain. After a short struggle Kuhns was again landed in jail. He was charged only with the disturbing of peace. During the affair scarcely a blow had been struck; however the officers feared Kuhns, for he possessed the reputation of a desperate man.

Marvin's cell mate was a Negro charged with petty larceny; the two caused no small amount of trouble for Sheriff McClain. Attorney Welker, of Albion, related how when he would go to the jail to interview his client, Kuhns, he would find him testing his strength and agility by doing acrobatic gymnastics on the cell bars. They had not been in jail very long when one day, while the sheriff was feeding them, they pounced upon him and Kuhns escaped. He ran south of Albion into Noble Township, and there secreted himself in the swamps and woods. Although it was known that Kuhns was charged with a mere misdemeanor, yet he was regarded as a criminal who should not be allowed to run at large. A posse was formed consisting of such men as Jacob Shauck and Joseph Berhalter, deputy sheriffs, and farmers and citizens of Albion. It was a formidable looking aggregation which started south to hunt for Marvin Kuhns. They located him in the middle of a cornfield, where Marvin was quietly sitting on a stump. He hurled taunts of sarcasm and defiance at the officers and it was only after they had caught him unawares that they were able to lead him back to jail. The charge against him was dismissed with only a fine. This however was not the most significant result of this incident. It taught Kuhns the fact that the county officers were afraid of him. It showed him his supposed power and gave him untold confidence in his notoriety. This love of notoriety,

which had grown into a mania, now became a foremost essential of his character; and due to his utter ignorance and underprivileged nurture of notoriety played an important part in his further undoing.

Kuhns was not destined to be long at large. James Fink, who lived near Albion, had separated from his wife and children, who were staying with a family by the name of Hosler. Fink asked Kuhns to get a horse and bring his wife to him, undoubtedly thinking that Kuhns would rent a horse. He appropriated a horse and buggy belonging to George Huntsman; after he had completed his errand instead of taking the horse back where he found it, he placed it in Bowman's livery barn. It was there that Mr. Huntsman found his horse. Kuhns was arrested. Due to his other misdemeanors his parole was revoked and he was returned to the penitentiary to complete his term. While in the penitentiary he realized the folly of his acts and became a model prisoner, thus obtaining the commutation of his sentence to four years. He returned to his home in Albion in the spring of 1888, the fall before his mother died. Her grave was the first place that he visited upon his later release from prison.

The next two years of his life were marked by a series of small robberies and one well-defined horse stealing expedition. Kuhns made the idle boast that he stole over one hundred horses during his time out of the penitentiary. The numerous complaints of farmers of northern Indiana and western Ohio tend to substantiate this statement. Horses were stolen nearly every night, but Kuhns was not the only thief. He became the leader of a band of horse thieves. They sold much of their booty in Fort Wayne, but they sent the majority of it to a livery barn on Summit Street, Toledo, Ohio. This barn, however, later burned and its owner served a term in the Ohio penitentiary. The depredations of this band of young criminals became so op-

pressive and expensive to the farmers of Noble County that they organized themselves into a band of regulators for mutual protection. Their number consisted of about forty or fifty prominent farmers, with a well-planned organization whereby they protected their stock. By the employment of detectives they traced the horses and brought the criminals to justice.

This period of horse thievery played an important part in Kuhns' life. Several times he was suspected of having stolen horses and at different times came in close contact with the officers. Jacob Shauck, of Kendallville, Indiana, who was then deputy sheriff, under Sheriff McClain, relates the following story:

"In the spring, 1889, the Regulators held a meeting at the Henry Hill schoolhouse. Rumor asserted that Kuhns was in the vicinity. Since several horses had been stolen the week before, urgent action was to be taken. I was invited to go down to the meeting and to take part in the capture of Kuhns. We stayed all night at Henry Hill's and early the next morning we found traces of his thievery at Joe Bosse's. We got close to him that morning. He was making for Wolf Lake. We followed closely behind him all day. We went up toward York siding and Kimmell. When we arrived there he had gone. We went down past the Broadway church to a road leading into Cromwell. There we met Willis Prouty, Lee Hopper, Albert Singrey and Joseph Smith, all of whom were prominent leaders in the Regulators. Soon we saw Kuhns near the top of the hill. I took a shot at him and Kuhns fired back. Sam Stoops dropped but found out later it was from fright and not from any injury. Quite a little firing occurred but Kuhns worked his way over into the woods. There for the time being we lost track of him. Later I saw Kuhns sitting on the fence and I hallooed to Willis Prouty that we were leaving the swamps and woods uncovered. We soon surrounded

him. Sheriff McClain and George Stoop worked their way up to where the Kuhns boys were. Bill Willis had left his bulldog revolver in the buggy and had gone back to get it. While he was away Kuhns discovered the opening. Taking his brother by the hand he started out crying 'Make way for me there or I will blow a hole through you.' I had no gun and when Marvin discovered this fact he made a face at me. We made a feeble attempt to stop him, but I guess the fellows were all pretty well scared. He climbed into a rig, which he had stolen from Mr. Bauman, who lived south and west of Avilla. It was pretty dark at this time and we soon lost track of him. The Kuhns boys went to Eagle Lake in Washington Township, and stayed all night in a schoolhouse and I never saw him again until he was in jail at Tiffin."

The escapades of Kuhns and his band of horse thieves soon became a question of public safety for the people of northern Indiana. They were hot on his trail day and night. While they feared him far more than he feared them, still horse stealing became unprofitable. Kuhns then went to western Ohio to pursue his bandit tactics further.

Early in the spring of 1889 Kuhns held up a farmer in Henry County, Ohio, who had recently sold his wheat. From this affair alone he secured a couple of hundred dollars. He then moved his base of operations to Prospect, Ohio, and entered into the legitimate occupation of trading horses, mingled with illegitimate midnight raids on the farmers for more horses.

Finally, however, Kuhns was arrested and taken before a justice of the peace for a preliminary hearing. The constable and his assistant had, as they thought, disarmed him, but while the preliminary examination was in progress and the constable had gone to summon some witnesses, Kuhns drew a revolver from his boot leg and drove everybody from the court

room into an adjoining apartment. Then he locked the door of that room where he had the court and its officials carefully corralled and thus made good his escape.

About this time Kuhns conceived the idea of going into the army. While in Columbus he joined the Seventeenth regiment of the regular army and was quartered at Columbus. Kuhns' army record is hidden because he enlisted under an assumed name by which he was known throughout his entire career in the service. It has been impossible to discover what name he used as his wife is silent on that matter and to her alone did he confide it. After being in the army only a few months the regiment received orders to go to Leavenworth, Kansas. The idea of being transferred to Kansas did not appeal to Marvin so he deserted from the army. A reward of \$25 was offered for his capture but his identity was sufficiently obscured to enable him to escape detection.

Kuhns soon retired to another part of the country. He was soon engaged in stealing again; in one of the towns the city marshal arrested him on suspicion. They were on their way to the city lockup when Kuhns tore himself from the grasp of the officers by slipping out of his overcoat in the collar of which the policeman had his hand firmly fixed. When he took flight the marshal fired three shots at him but none of them were effective.

It was about this time Kuhns met Della Bird. The part which she played in the life of Marvin Kuhns is a romance in itself. It was generally believed that she was not more than the mistress of Kuhns and it was over her that he became engaged in several drunken brawls. Mrs. Kuhns, however, asserted that Marvin was not enamoured with Della, but that she was a mere protegee for whom he provided and to whom his parents gave a home in Noble County.

Among Kuhns' horse thieving associates was one William Campau (or Campeau, so spelled by Kuhns himself in letters written while in prison), a most vicious French Canadian.

The events which gave Marvin Kuhns prominence and notoriety as an outlaw grew from the murder of William Campau at Fostoria, Ohio, on the night of November 19, 1890.

The mystery surrounding this murder, the coroner's inquest, the pursuit and the battle of officers with Kuhns, who was suspected of the murder, his final capture, his trial and conviction, and his imprisonment in the Ohio penitentiary constitute perhaps the most interesting chapter in the life of this notorious criminal.

Early on the morning of the 20th of November, 1890, railroad section men found the dead body of an unknown man lying alongside the tracks of the Hocking Valley railroad on the outskirts of Fostoria. There was a bullet hole in his head; no surrounding circumstances indicated at whose hands he had met death. Indications however, pointed to murder.

For a few days after the removal of the dead man to an undertaker's establishment, nobody could be found who could identify him. Hundreds of people visited the morgue, but none of them could recognize him. He was an entire stranger to everybody. Coroner Edward Lepper, of Tiffin, Ohio, was called and immediately for the inquest. Photographs of the dead man were sent to various police centers. Several newspapers reproduced them, with notices of the reward that the commissioners offered for his identification and an additional reward giving facts that would lead to the apprehension of the murderer. None of these methods threw any light on the question of the identification of the dead man until the last day of the coroner's inquest.

A man entered the room where the examination was conducted. Taking a seat near the rear of the room, he listened for a time to the examination of the witness. Then going forward to the lawyer's table he approached the prosecuting attorney and bending over whispered in his ear:

"I can identify this dead man."

The prosecuting attorney, George F. Schroth, late judge of the common pleas court at Tiffin, Ohio, without betraying by action, the interest and excitement he felt by the stranger's statement, calmly turned, and looking into the man's face said:

"Take a seat here," pointing to a chair at his side, "and I will call you in a few moments."

When the examination of the witness then in the stand was completed, the prosecutor called the stranger witness. The latter being sworn, said that the dead man was William Campau, that he was a horse trader, and that his home was in Michigan. The examination brought out the fact that the witness and Campau had been partners for awhile in the horse trading business, that they had been operating the several weeks previous in central Ohio, at a place called Prospect.

On the afternoon of the 19th of November the two had come to Fostoria together. Campau, the witness said, had a pretty good sized roll of money. Both of them became intoxicated and early in the evening they became separated. The witness said, he knew nothing at all about the murder. He had left town the day after and had not heard of the murder until he read it in the newspapers giving the picture of his dead companion. He had come back to Fostoria to identify the dead man.

The story of the witness seemed all right, but the prosecutor suspected that he knew more about the affair than he had told. In several particulars he had

become pretty "badly mixed." Mr. Schroth told him that he would want to call him to the stand again; he was excused for the time being, and left the court room.

Within an hour or so rumor said that this stranger witness was the notorious Marvin Kuhns. When he appeared to be sworn as a witness he had given an assumed name. On learning the identity of the witness, the prosecutor had a warrant issued for his arrest. Kuhns of course was nowhere to be found. He had left town. A reward was issued for his arrest, but it was several days before he was located. Then occurred his famous gun battle with officers in the streets of Churubusco on Saturday evening, December 6, 1890.

When he left Fostoria after having identified the murdered man as William Campau, his former partner, he may, or he may not, have known that the officers were looking for him, that they had issued warrants for his arrest and offered rewards for his apprehension. For several days no trace of him appeared, although officers of the law in various cities had been notified of the crime for which he was wanted and were told to watch for him. Where he was and what he was doing during a portion of the interval from the afternoon that he left the scene of the coroner's inquest at Fostoria until the time that he was seen in Fort Wayne, just previous to his notable fight with the officers at Churubusco, were all involved in the story of Della Bird, the northern Ohio sweetheart of Kuhns. She was importantly involved in his career then and during his trial for murder at Tiffin, Ohio. She was called "the star witness."

It was not long, until Kuhns turned his face and his steps toward his old home in Green Township, Noble County, Indiana, the home where his aged father lived. He must have known, if the officers were on

his track, that this was just the place which they would carefully watch for his presence. He was on his way there, close to his father's home when he was wounded, apparently unto death; he was arrested on the charge of having murdered William Campau at Fostoria.

From some point in Ohio Kuhns drove to Fort Wayne in a road cart. He said afterwards, during his confinement in the Ohio penitentiary, that he had stolen the rig from a farmer.

"The horse was not the same one I started out with," he said, "I exchanged it on my way to Fort Wayne for a fresher and what I thought was a better one. I preferred traveling that way just then to going on the railroad. Oh, no, it was not as rapid, but I had better opportunity of seeing the country," he laughingly added.

Kuhns reached Fort Wayne during the forenoon of Saturday, December 6. Instead of going into the main part of the city, stopped in Bloomingdale, one of the suburbs of Fort Wayne, on the north side of the St. Mary's River. There he met John Barkley, who at that time kept a boarding house in Bloomingdale. Barkley knew him because formerly he had been a neighbor of Kuhns in Noble County. Barkley invited Kuhns to dinner, hoping in that way to detain him until he could notify the officers of his presence in that city, for he knew of the reward that had been offered for his arrest.

Kuhns, however, excused himself, saying that he was in a hurry to get out of town. He went to the spot where he had left his horse and road cart and drove in the direction of Churubusco. Barkley, however, did not know that Kuhns had left town; immediately after parting with him he hastened to the sheriff's office and told Thomas A. Wilkinson, then deputy sheriff under George H. Viberg, the sheriff of the

county, of the presence of Kuhns in Bloomingdale. This Wilkinson had requested him to do should he ever learn anything of the whereabouts of Kuhns.

Officer Wilkinson had just returned from dinner to the sheriff's office. Wilkinson immediately notified the sheriff, whose home was in the jail building, some squares away, of Kuhns' presence in the city and the fact that he was to try to detain him. He then started for Bloomingdale. On the way he met Policeman John Kennelly. At Wilkinson's request, the latter accompanied him.

When the two officers reached Bloomingdale they found that Kuhns had left town. At first they thought they could overtake him by the use of a hand car over the Lake Shore tracks, but after going out about two miles they found this would be impossible. Returning to Fort Wayne they hired horses and a carriage and started for Churubusco, arriving there about 6 P.M., at which time it was quite dark.

Meanwhile Kuhns had likewise reached Churubusco. There he met a former companion, James Meese. The two started out on a big spree. During the latter part of the afternoon they had a pleasant time visiting saloons. Both men were well armed. Kuhns always carried a couple of revolvers. In the saloons and on the streets they did considerable shooting, firing into the air, and terrifying whoever they met. At the Rockhill saloon and restaurant, they riddled the walls of the rooms with bullets.

The drunken carousals of the two men terrorized the town. Knowing the desperate character of Kuhns, the marshal of the town, A. R. Jackson, hesitated about arresting them, for it meant rushing to certain death. He knew the Fort Wayne officers were on their way to Churubusco and so awaited their arrival. The wait preceded the event in Kuhns' life which was to check for fifteen long years his lawless

career. It terminated in his battle with the officers, his capture, his incarceration in the jail at Fort Wayne, his trial at Tiffin, Ohio, and his sentence to the Ohio prison at Columbus.

Soon after their arrival in Churubusco, Police-man Kennelly and Deputy Sheriff Wilkinson learned that Kuhns was at the Rockhill Restaurant and saloon. There it was said, with his companion, Meese, he was very drunk and was creating a disturbance.

"In fact," said the informant, "they have been terrorizing the town the most of the afternoon. Meese is one of Kuhns' old pals and when the two met here they started out on a drunk, shooting their revolvers on the street and riddling the walls of the saloons they visited with bullets.

The officers immediately went to the Rockhill saloon. They found it full of men, but Kuhns was not there. They were told that, with Meese, he had been there, but that only a short time before both he and Meese had left, going north, in the direction of the home of Kuhns' father, about seven or eight miles in the country.

While the officers were talking, endeavoring to ascertain the exact whereabouts of Kuhns, a sister of Mrs. Rockhill met them and said that she could direct them to Kuhns, as they had been firing bullets into and creating great disturbance at her house. They accepted her guidance and, having been joined by the marshal of the town, Jackson, they left with her.

As neither Wilkinson nor Kennelly knew Kuhns, the woman was asked to point him out to them, for they did not want to make any mistake by running the risk of arresting the wrong man. It was then quite dark, for it was considerably after 6 o'clock in the evening.

After going about two squares, the officers saw two men approaching them on the sidewalk, com-

ing from the direction in which the officers were going. In a moment they were close enough to be recognized, and the woman, stopping, said:

"There, that's Kuhns," at the same time pointing to him, "the man on the outside of the walk."

Kuhns, undoubtedly, did not expect to be met by the Fort Wayne officers. As the two parties came together, officer Kennelly stepped around Meese and seized Kuhns. Then that notable pistol street duel began.

It is always difficult to give an exact account of the details of an affair of this kind. Authority for the story of this fight was a reporter then on one of the Fort Wayne papers. He had talked at that time with all the participants regarding the details. Their accounts differed. They differed even weeks and months afterward when giving accounts of it to the reporter. Each gave an account of the fight from his own view point. The impossibility of reconciling conflicting statements make an exact and authentic record impossible.

Kuhns knew when Kennelly seized him that he was being arrested for something. He may not have known that it was for the Campau murder. He certainly knew that there were other acts in his life for which he was liable to arrest, and he was not disposed to submit to it quietly, especially when he was armed.

"Which is Kuhns?" said Kennelly to the woman who acted as their guide. She pointed to the desperado, and, the Fort Wayne police officer seized him.

"I grabbed him by the collar and told him he was under arrest," said Kennelly, speaking only a few days ago about the affair, "and then--oh, well, you know what took place."

Kuhns immediately drew his revolver and began shooting and the officer did the same. It was a close-range fight. There were a dozen or more shots

exchanged. Kennelly, although badly wounded, having been shot three times, once in the side, once in the cheek, and once in the leg, hung on to Kuhns, until so weakened by the loss of blood he fell to the ground. Kuhns was shot four times, once in the shoulder and three times in the back. Wilkinson fired the latter shots and when Kennelly fell he had Kuhns by the coat collar.

Kuhns then turned his revolver on Wilkinson, but the ammunition in the chambers of his revolver had been fired. Therefore his attempts to shoot that officer were ineffectual. Then began a renewed struggle between Wilkinson and Kuhns during which the former wrenched the revolver from the desperado's hands. Kuhns slipped out of his coat, which Wilkinson still clutched. Kuhns escaped, jumping into his road cart, which was not far away, and drove down the road at a rapid rate.

Deputy Sheriff Wilkinson immediately turned his attention to Officer Kennelly. He found Kennelly wounded. Fearing his death, he summoned medical aid and other assistance and soon saw him carried to temporary quarters. Then he telegraphed Sheriff Vi-berg, giving a brief account of the fight and telling him to come accompanied by doctors, as Kennelly was badly wounded. Meese, the companion of Kuhns, was placed under arrest. It seems that he did not figure very prominently in the fight. Early in it he was hors de combat with a bullet in his leg. He was brought to the jail at Fort Wayne and afterwards removed to the jail at Columbia City. In a court of that city he was tried for stealing and sentenced to the penitentiary for a term of years.

It was a late hour in the night when Sheriff Vi-berg, with Drs. W. H. Myers and C. B. Stemen arrived. The physicians immediately attended to the wounded policeman, Kennelly, removed him to the St.

Joseph Hospital at Fort Wayne. They also looked after Meese, whose wound was not serious. They thought that Officer Kennelly could not survive his wounds, but at the hospital, where he was for some months, he recovered and in time became physically sound.

Sheriff Viberg and his officers immediately began searching for Kuhns. A young man named Boggs, who had come in from the country, informed them that a man and a conveyance answering the description of Kuhns and his road cart had come to the home of his father. Owen Boggs, on the plea of illness, had given him lodging for the night. This was about three miles from Churubusco.

Sheriff Viberg and his deputies drove to the Boggs home. They found Kuhns helpless, lying down on his bed undressed. He was placed under arrest, driven to Fort Wayne that night and lodged in jail. Drs. Myers, Stemen and J. M. Dinnen investigated and dressed his wounds. The doctors thought that the desperado would not long survive. The three bullet holes in his back were so close together that they could be covered by a man's hand. The fourth was through the shoulder. The doctors agreed that his death was only a matter of a few days.

To the Catholic priest who visited him that night, within a few hours after his arrest, he said, in reply to the question whether the clergyman could be of any assistance to him in a spiritual way: "No, I thank you, but I guess not. I'll die as I have lived."

Wounded as he was, with four bullets in his body at the time, Kuhns showed no signs of his sufferings and uttered no word of complaint. "If my game has been run," he said, "I'll remain true grit."

At the jail the next morning after his arrest he was visited by reporters from the various newspapers. With Meese, he was in the hospital department of the jail. Meese had a cot at one end of the room and

Kuhns at the other. Meese, with only a flesh wound in his leg, complained almost constantly. This morning, while two of the reporters were there, Meese asked for a drink of water. Kuhns, without waiting for some one else to get it quickly arose, walked to the other side of the room and got the cup of water for his companion.

"You do not seem entirely helpless," said one of the reporters.

"No," replied the wounded man, as he pulled a big plug of tobacco from his pocket and took a chew, "I'll fool 'em all yet. I'll be all right in a couple of weeks."

Still he had his bad days, times when his wounds troubled him greatly and he thought perhaps he might not survive them. On one of these occasions he said to Sheriff Viberg:

"Mr. Viberg, if I should not get over this, I wish you would send the shoes I had in that package," referring to a package he had at the time of his arrest, "to my sister. I bought them for her, and I should hate to have her disappointed. Maybe it would be better to send them to her now."

The physician at the county jail was Dr. J. M. Dinnen. He was charged with the medical care of Kuhns. During the first day of his incarceration at the jail, the day after the night's fight at Churubusco, Dr. Dinnen said, regarding Kuhns' condition:

"He has a fighting chance. He may pull through, his great will power will have much to do with the case."

And Marvin did pull through. A few months later when he was taken to Tiffin, Ohio, the seat of the county in which the Campau murder had occurred, to await his trial, he had almost recovered from his wounds.

Brave Officer John C. Kennelly lingered for

some weeks in the hospital at Fort Wayne. His wounds were serious. At first the doctors thought they might be fatal. But his strong physical constitution and his wonderful nerve and patience conquered. Later he showed little evidence of the terrible wounds he had received. He soon appeared to be as rugged in frame and health as ever.

After his recovery Mr. Kennelly went to Chicago; for some time he was a guard at the Columbian exposition. Later he returned to Fort Wayne and worked as a brakeman on the Nickel Plate R.R., eventually removing to Garrett. There he took employment as brakeman with the Baltimore & Ohio R.R. Later he was assigned to the company's police force and eventually promoted to the position of lieutenant of police, with his headquarters at Chicago Junction. He made his home in Tiffin, Ohio, with his family.

Deputy Sheriff Wilkinson retained his position with Sheriff Viberg at Fort Wayne for a time. Afterwards he became special police officer for the Nickel Plate Railroad, with headquarters at Fort Wayne. He covered the territory from Chicago to Bellevue, Ohio. He served in that capacity for several years making a record as a faithful, efficient officer. Later he engaged in special detective work, with his office and home at Fort Wayne.

The murder of William Campau, on which charge Marvin Kuhns had been arrested at Churubusco by the Fort Wayne officers had occurred at Fostoria, Ohio. There the news of Kuhns capture created great excitement. Something of its nature can be judged from the following article which appeared in one of the Fostoria papers:

"Expressions of joy were heard upon every hand by the receipt of the news of the capture of Marvin Kuhns, who murdered William L. Campau in this city three weeks ago last night. This was the first

murder ever committed within the city limits of Fostoria.

"The mysterious shots of that Sunday night, the finding of the dead body of the unknown man, the week of suspense awaiting his identity, the appearance of Kuhns, under an alias, at the inquest to identify the body of his missing friend and who claimed innocence as to how he met his death, his sudden disappearance and escape when he found that suspicion pointed towards him, his tragic battle with the Fort Wayne officers and his capture combine to make a chapter in criminal history seldom equalled in interest.

"Imagine the great nerve of the man, influenced by the supposed reward offered for his identification, after killing and robbing his friend, to appear a week later upon this bloody scene and calmly gaze upon the cold features of his friend, the man in whose blood his hands had been steeped.

"That Campau, the murdered man was an out and out bad man is inferred from the fact that his friends in Michigan, who were notified that his remains were here unclaimed, sent a response stating that they were not wanted there. The body is yet in the receiving vault at the cemetery. These facts, however, ought not to lessen the punishment that should be visited upon the head of the murderer."

Kuhns recovered rapidly from his supposed fatal wounds and during the following months he removed to Tiffin, Ohio, in Seneca County where his trial for the murder of Campau was, by law, to take place.

The officers who went to Fort Wayne to take him into custody were Mayor Brown and Marshal Neff, of Fostoria. They had the proper requisition papers for his removal to the Ohio jail. Kuhns had retained George W. Loutitt, of Fort Wayne, as his attorney to protect his rights. The officers knew that Mr. Loutitt

would try to prevent his removal by writ of habeas corpus. To avoid delay they tried to take Kuhns without the knowledge of his attorney. Mr. Loutitt however met them, with the legal papers, before they reached the Ohio line.

The officers decided to take the prisoner to Auburn, before Judge Powers, of that county. They drove in a carriage across the country from Fort Wayne to that city, Sheriff Viberg and Jailer Lindley accompanied them. The prosecuting attorney of Allen County, James M. Robinson, of Fort Wayne, was in court when the prisoner appeared, as was also Mr. Loutitt, who had "learned" of the proceedings. He objected to the removal of his client from the state.

Judge Powers, however, decided that the latter attorney had no valid ground for his objection. Therefore he honored the requisition papers and ordered the prisoner to be delivered to the Ohio authorities. The Fostoria officers traveled on the Baltimore and Ohio railroad to Auburn Junction; before midnight Kuhns was behind the bars in the jail at Tiffin.

The grand jury of the county was in session at Tiffin and the case against Kuhns was immediately brought to their attention. They returned an indictment against him for murder in the first degree. When Kuhns heard the result of their deliberations he said:

"Well, I had no doubt but that would be it. But they got to prove it, and I don't see how they are going to do it."

At his arraignment he pleaded "not guilty." He then returned to jail to await his trial.

Through its prosecuting attorney, George E. Schroth, the state now began an extensive investigation. The state had no direct testimony of the guilt of Kuhns. There was no eye witness of the murder of Campau. It must be proved by circumstantial evidence. That evidence must leave no doubt of Kuhns'

guilt in the minds of the jurors. Hence began the search for strong evidence. The state thought it had such evidence in the person of Della Bird. At that time, the latter was a pretty little girl of only fifteen years. The state called her the "star witness" for the prosecution. She was known then as Kuhns' sweetheart. She had been wild and wayward as a child. Even at her young years, she bore a tarnished stamp. She was born and lived for some years in the state of Michigan. When a child of thirteen years of age she married a man named Ocobock.

Within six weeks he tired of his young wife and deserted her. Then she drifted into a life of promiscuity, taking the name of Della Bird. Some four months prior to the Campau murder at Fostoria Della entered the life of Kuhns at Defiance, Ohio.

She was tending bar at her mother's place, probably a house of ill fame in the city. Kuhns first met her at the bar in that house. Their acquaintance soon ripened into an attachment for each other.

Kuhns remained around Defiance for several days after first meeting Della. He was located at Prospect with Campau. While in Defiance Kuhns met other lovers of Della with whom he had several drunken quarrels about her. She called him her "Hero Lover," and was proud of his wild life and daredevil deeds.

After leaving her on that first meeting he went to Prospect, Ohio, and returned in a few days with Campau. The three went to the home of Kuhns' father in Indiana. The men left in a day or two, but Della Bird remained until Kuhns' return. Then she returned with him to Ohio and was with him shortly before and shortly after the murder of Campau.

It was because of her close relationship with Kuhns' life at that time, and her knowledge of the movements of both Kuhns and Campau and their transactions, that the state arrested Della Bird as a witness

to prevent her moving beyond the law's reach.

The prosecuting attorney, Mr. Schroth, succeeded in getting the girl to reveal her story. She told all she knew about Kuhns, his relationship in business affairs with Campau, and his movements immediately preceding and immediately after the murder of the latter. At first the prosecutor thought the girl would be "an unwilling witness," one that the prosecutor thought it would be necessary to keep in close confinement. Her story however convinced him that there would be little danger of her escape; she was made "a trusty" at the jail, assisting the jail matron on the work around the house and allowed to come and go pretty much as she pleased.

It was as such that she was employed up to and at the time of the trial of Kuhns. The efforts of those whom she met in her everyday rounds failed to get from her what she knew about the murder of Campau. She was "as mum as an oyster" about this one event. She wouldn't talk about it. Even the newspaper men, with all their ability to pump, could not induce her to reveal any knowledge of the murder.

"No," she said, during the first day of the trial of Kuhns while at the jail in the kitchen department, where she was washing dishes, "I have been instructed not to talk about it. Oh, yes, I will tell you something about my life." She related the material points previously related.

The prosecution and the defense actively prepared for the trial of the case. It was destined to be a hard-fought legal battle, one of the most celebrated criminal cases ever tried in the courts of that county. The lawyers involved in the trial were among the best of the state.

George E. Schroth, the prosecuting attorney, then a young man, had recently begun his duties as prosecutor; this was his first murder case. He was

brilliant and able, as is shown by the fact that he was afterwards elected the common pleas judge of the county. His colleague was Judge George E. Seney, who had represented his district two terms in congress; he was considered the ablest criminal lawyer in Ohio.

The attorneys for the defense were Honorable Perry M. Adams, N. L. Brewer and George W. Loutitt. Mr. Adams had previously been prosecuting attorney of the county and at the time represented his district in the Ohio senate. Mr. Brewer was one of the oldest attorneys at the bar in Tiffin. Mr. Loutitt was from Fort Wayne and afterward represented his county in the Indiana legislature; he also served as police judge at Fort Wayne. All of the lawyers in the case, except Mr. Loutitt, were members of the Tiffin, Ohio bar.

The presiding judge, Honorable John H. Ridgeley, Judge of the Court of Common Pleas; previous to his election as Judge had enjoyed an extended practice. Fairness in his decisions of legal points and honesty in all his judicial acts were marked features of his judicial career.

The trial of Kuhns for the murder of Campau began in the court of common pleas of Seneca County at Tiffin, Ohio, on the 22nd of June, following his arrest, and lasted for two weeks. During this time at each session the court room was crowded with spectators, all anxious to see the notorious prisoner and hear the testimony, much of which, was sensational.

Because of the care exercised in summoning the special venire of talismen, the choice of a jury was not the difficult task anticipated. Before the first day's session closed, the twelve men who were to hear the case and decide the fate of the prisoner, according to the law and evidence, were listening to the opening statements of the attorneys, Prosecutor Schroth, for

the state, and Attorney Adams, for the defense. Thereafter the jury listened to the introduction of the evidence.

Much has been said, and much written about Kuhns having been unjustly convicted and punished for the murder of Campau. It has been claimed that the evidence did not clearly prove his guilt of this crime.

It is undoubtedly a fact that, to a large extent, Kuhns was convicted on general principles. From the opening of the trial the fact that he had led the life of a desperado could not be concealed from the jury. He was brought into the court room manacled. Constantly during the sessions of the court he was under the guard of the sheriff's deputy. He was looked upon by everybody, and by the twelve men in the jury box, even with and before the first day's session of the court, as a horse thief, a bandit, a jail breaker, and a criminal who had many battles with the officers.

The fact of his bloody fight with the Fort Wayne officers was known. Indeed, in the evidence it was brought to the attention of the jury. Both Deputy Sheriff Wilkinson and Police Officer Kennelly were placed on the stand and gave detailed accounts of the fight. Much of his previous wild and reckless career was woven into the testimony.

The state undoubtedly made a strong case against him, although there was no positive evidence that he shot and killed Campau. It was entirely circumstantial. With his bandit career ever before the jury and the belief in their minds that he was a dangerous man to be at large, the twelve men sitting in judgment in his case allowed "general principles" to influence them in bringing in their verdict.

The evidence showed that a murder had been committed and the nature of Campau's fatal wound. The state then gave an account of his partnership dealings with Campau in the horse trading business at

Prospect, Ohio, their several quarrels over money transactions, and their departure from Prospect together and their arrival at Fostoria on the afternoon of the night of the murder.

That night, witnesses testified, Kuhns was at the Baltimore & Ohio railroad depot at Fostoria. He purchased a quarter's worth of cigars at a restaurant, and then boarded a B & O train going west. He rode as far as Avilla and arrived at his father's home in Noble County, Indiana, a little after 2 o'clock on Monday morning, the day after the murder. These facts were attested by several witnesses, including the conductor of the train on which Kuhns rode. The only weak point in the testimony was that the witnesses were not acquainted with Kuhns and were unable positively to identify him.

The fact of Kuhns going to Fostoria to identify the body of the murdered man was also brought into evidence. It was given color in that it was one of his desperate, daredevil acts, influenced by his hope of getting a reward. It was also shown that he gave and was sworn as a witness under an assumed name, that of Charles Fink, by which he was known in horse trading transactions with Campau at Prospect, Ohio. His sudden flight from Fostoria after giving the evidence at the coroner's inquest and his desperate fight at Churubusco while resisting arrest were also prominently portrayed. His resistance to arrest was explained by the defense, its attorneys claiming that Kuhns thought at the time that they wanted him for horse stealing, not for the murder of Campau.

When Della Bird, the former sweetheart of Kuhns, was called to the witness stand everybody thought there would be a sensational story. Rumor designated her as the state's "star witness." The court room was packed. Many ladies were present, which, however, was the case during the greater part

of the trial. It was said that there had been an estrangement between her and Kuhns and that now she would give the testimony that would lead to his conviction. It was thought she knew a great deal about the murder of Campau and that she would now tell it.

She started with telling the story of her life, the lawyers taking her back almost to her birth, in the examination and cross-examination. She told of her marriage at the age of 13, of her separation from her husband, of her going to Defiance, Ohio, where her mother kept a house of ill fame, of her meeting with Marvin Kuhns, of her falling in love with him, although she knew he was a horse thief, and of her living with him as his apparent wife. Then she continued, as led by questions from the prosecuting attorney, substantially as follows:

"We were never married, but we lived together just as a man and his wife would. Three weeks after I first met him we went to Toledo. Campau was with us. From there we all went to Butler, Indiana, and then to the home of the father of Kuhns in Noble County. Soon after arriving there Kuhns and Campau left together. Kuhns told me that he would be gone two weeks and said that he wanted me to stay there until he returned. I never saw Campau alive after that.

"Kuhns returned," the witness continued, "on Monday evening. It was the Monday evening following the finding of the dead body of Campau at Fostoria. He changed his pants, putting the pants he had worn before in the valise, which he gave to me to take care of. This valise with the pants in I afterwards gave to the officers when they took me into custody."

At this point the pants referred to were taken from the valise and exhibited to the jury. They were covered with blood and the girl witness identified them as the pants Kuhns had pulled off at that time. The witness continued as follows:

"We left that night and arrived the next day at Prospect, Ohio, remaining there for a week. On Sunday after the murder Kuhns read in the Cincinnati ENQUIRER the account of finding the body of the unknown man at Fostoria. The paper gave a picture of the dead man. He showed it and the article to both myself and Elton Ferguson, who was the proprietor of the hotel at which we were stopping. We all recognized the picture as that of Campau.

"Kuhns immediately determined to go to Fostoria to identify the dead man. He wanted me to go with him, but I was unable to get dressed in time. He and Ferguson went without me. The next day, however, he telegraphed me to come to Fostoria. I went and was a witness at the inquest in regard to the identification of Campau.

"I did not afterwards meet Kuhns from the time he left Prospect until I met him here in the jail at Tiffin. When Kuhns met me the last time at his father's home previous to starting for Prospect, he told me he had parted company with Campau at Delaware, Ohio."

To explain away the ugly evidence of the finding of the bloody pants the defense placed on the stand two men named Ferguson from Prospect, one the proprietor of the hotel. Both of them stated that the day before Kuhns and Campau left there to go to Delaware, Kuhns had been bleeding a sick horse and that some of the blood got on his clothing at that time. But human blood or horses' blood, these bloody pants carried great weight in the case and had much to do with the conviction of Kuhns.

Kuhns was not placed on the witness stand in his own defense. He was anxious to be a witness. He wanted to tell his story to the jury. But his lawyers would not allow him to do it. They knew that if he was placed on the stand as a witness that the state would bring out his whole career as a horse thief and a

prison convict and that would injure their case.

The case went to argument. Kuhns was pictured before the jury as a criminal of the worst type, a horse thief, a bandit who had no regard for human life, one whom it would be dangerous to the community to allow to be at large. His attorneys made earnest pleas for his acquittal, arguing that not a word of positive evidence had been introduced to prove his guilt. The jury returned its verdict that Marvin Kuhns was guilty of murder in the first degree and they fixed his punishment at imprisonment for life. Soon after he received such a sentence from the presiding judge, the Honorable John H. Ridgeley, and he was taken to the Ohio penitentiary at Columbus to begin his sentence.

The coroner who held the inquest over the body of William Campau at Fostoria, Ohio, was Edward Lepper, of Tiffin, Ohio. In answer to a letter asking for the facts in the inquest, his reply dated from Tiffin, Ohio, was as follows:

"As soon as I arrived at Fostoria I found the dead man (Campau) was an entire stranger. Nobody knew him. I had him photographed in his coffin and gave each of the out-of-town newspaper correspondents copies of the photographs for reproduction in their papers in order to see if we could find somebody who could identify him. The picture was published the next morning in the Cincinnati ENQUIRER."

Coroner Lepper reviewed the facts about Kuhns, the Fergusons and Della Bird, seeing the picture at Prospect, Ohio, and Kuhns leaving for Fostoria, substantially as already stated. He added:

"During the examination Kuhns was asked if he had a revolver with him. He said he had and gave it to Squire Hughes. The loads were extracted from it and then it was returned to him. Kuhns was getting extremely nervous as the examination proceeded and

asked to be shown to the water closet. An officer took him and while there he reloaded the revolver and returned. After a while he had occasion to go to the closet again, so he said, but instead of going there he broke for the fence in the rear of the yard, jumped over it and escaped.

"Then he broke for Indiana. You know his escapades and his history after that. I immediately swore out a warrant for his arrest, offering a reward of \$250 from the commissioners of Seneca County and \$300 from the city of Fostoria, making \$550 in all, for his apprehension and arrest.

"Della Bird at that time passed for Kuhns' wife and he said he would have married her had it not been for this affair. As you know, she had previously been the wife of William Ocobrock, who deserted her. After her imprisonment here and the ending of the Campau murder case she married a fellow named Albert Relyea at Defiance. He was captured with her in an attempt to rob an old farmer and both of them were sent to the penitentiary for four years. Relyea died in prison. Della Bird served out her time in prison. What became of her afterward I do not know.

"EDWARD LEPPER."

Other information indicates that after leaving the penitentiary she returned to Defiance, Ohio.

Kuhns entered upon his long career in the Ohio penitentiary with a firm determination to clear himself of the charge of murder. He firmly asserted that he was not guilty of the murder of Campau. His determination was strong and so impressed his many friends. Soon strong efforts were made to secure his pardon. At first the work was entirely fruitless, but later it terminated in his pardon by Governor Herrick. He was assigned to work in the penitentiary as a me-

chanic. He did odd jobs in the machine shop. He realized that to get any attention whatever from the Board of Pardons it would be necessary for him to conduct himself in the best manner. Although weakened in body, by the many battles which he had fought, carrying as he did fully eighteen bullet holes, he worked assiduously in the machine shops. Not only did he carefully fulfill all the prison requirements but soon Warden Darby allowed him the privilege of working overtime, and thus he was able to accumulate some money. After spending six years in the penitentiary as a common laborer, his health broke down and he was allowed to do light work in the offices. So well did he perform this task that he was accorded the additional favor, of running a small souvenir stand in the east wing of the penitentiary. He purchased the concession from prison officials and manufactured all the souvenirs, which he sold to visitors. His prison record, on the whole, was above reproach. He became known as one of the best trusties.

In the spring of 1895, four years after his incarceration, a person came into his life who was destined to play a very important part in his later years. When Marvin was six years old he had visited his aunt, who lived south of Columbus. While there he met a young girl by name of Katherine Parkinson. They played together upon his aunt's farm and knew each other only as children. At the end of his visit their relationship was broken off and she knew him only through his aunt, following his career as a criminal. Later Miss Parkinson married a man by the name of Hagan, living then in Columbus, Ohio. Hagan died in 1892 leaving Mrs. Hagan with two small boys. She supported herself by following her profession of trained nurse.

One day her neighbor, Mrs. John Smallwood, came to Mrs. Hagan and asked her to go to the Ohio

penitentiary to hear John Murray, the great evangelist, who, at one time had been also sent to the Ohio penitentiary, but had later been pardoned. Mrs. Hagan had a seat in the center of the hall and during the speech the evangelist pointed to the audience and seemingly, directly at her, saying: "Do you know that there is one among these prisoners that wants your assistance, your life, and your sympathy?" Those words she took to heart and went home. For some time she thought of them. They seemed to be burned into her very mind. She realized that Marvin Kuhns was the only man in the penitentiary that she knew. She had heard of the murder of Campau and knew all the facts involved in the case. She possessed the firmest belief in his innocence, and with that spirit she went to the penitentiary on July 4th. She met Kuhns for the first time in twenty-two years. They talked between the bars of his position in life and she took a resolution to do all within her power to secure his pardon.

She visited him in the penitentiary as often as she was permitted, for ten years. Her acquaintance developed into friendship, and soon into love. It was this love for Marvin Kuhns which enabled her to circulate petition after petition among his friends, in order to secure his pardon. It was this love which led her to go before the Pardon Board and to make a plea for his freedom. Her efforts were untiring. In the end they were crowned with success.

In spite of all the efforts made to obtain his pardon, Kuhns was not satisfied to languish in the penitentiary. In spite of the many privileges which had been accorded him, still on Thanksgiving Day, 1900, he was very much disappointed when he did not receive his pardon from the Governor.

This November 29th was dark and rainy. About five o'clock the warden ordered Kuhns to go to the

basement alone and unguarded, to repair some broken water pipes. It is not definitely known just how long Kuhns remained in the basement, but it is known that he crawled out through the coal hole. He wore his prison stripes. He made his way by the streets and alleys to the outer part of the town where he stole a rig and drove to Kenton, Ohio. Here he procured a new suit of clothes; he was thus enabled to make good his escape.

The prison officials soon discovered his escape. They turned in a general alarm, but Kuhns was gone. They had known of his relationship with Mrs. Hagan, and it was to her place that they first turned for information. Warden Darby and his deputies called at her house and immediately instituted a search. Mrs. Hagan related an amusing incident to show the manner in which they tried to obtain information. Detective John Mahoney of the Ohio State detective force, was one of the prison guards most interested in Kuhns' capture.

Mrs. Hagan's oldest boy was then seventeen years of age. The next evening the boy was sitting with his mother in the lighted room, with the curtains drawn; the boy's shadow was cast upon the curtain, which gave Mahoney a clue that a man, presumably Kuhns, was in the room.

To obtain this information he adopted a novel ruse. Disguising himself as a decrepit old man he knocked at Mrs. Hagan's door and offered to sell her a basket of onions which he carried. Mrs. Hagan, however, was not to be fooled, and she replied, "Put those onions right back on my back porch, where you stole them." Mahoney, much abashed, admitted his failure and politely asked if Marvin Kuhns was in the house.

Kuhns by this time, however, was well on his way to his old home in Noble County, Indiana. He

spent the first night, after leaving Kenton, at the home of his brother Joseph. While there he slept beneath an open window, seemingly fearless of detection. He stayed at his brother's house for several days visiting his old neighbors, who received him with all the cordiality and hospitality that would be accorded to any man. Mrs. Hagan visited him here and he roamed generally over the country. The Albion DEMOCRAT reported: "Marvin Kuhns, the escaped convict, was in the city Saturday afternoon and in company with P. A. Reed, and Mr. Hile made the DEMOCRAT sanctum a pleasant call. Marvin said that this paper pleased him, was very fair, and he thought it would be well to pay us a visit." It was such little visits that characterized his stay throughout the month of December.

During this time he was engaged, it was said, in much petty thievery, but the only evidence of any theft which can be definitely proved was the theft of a team of horses at Otterbein, Indiana, a town near Logansport. It was here that he and a man named Griffith, in company with an unknown third party, stole a two seated rig. The citizens around Otterbein had a Protective Association and they immediately took drastic measures to find the guilty parties. The Association members traced Kuhns, not knowing, however, that he was the escaped convict, toward Lafayette. On Thursday night Kuhns went to a small hotel at Green Hill, not thinking that the posse was so close upon his heels. In an interview Kuhns answered the question as to how he happened to be captured, in the following way: "I didn't get captured where I was known, for not only the people of Noble County, but even their sheriff, Harry Bell, were all too friendly with me (which statement, by the way, put ex-sheriff Bell in a very compromising position). They got me in Warren County, 149 miles from my home. I was trying to get away and had got so far that I thought I

was perfectly safe. If it hadn't been for my confidence, they would not have captured me there. I tell you that is the only part of the whole business that makes me sore. I was in the little tavern and thought that I was as safe as a man could be. I saw the posse coming, but supposed that they were people just dropping in for the evening. I had been in bed for an hour and had laid my guns on the floor. That was the only time after I arrived home that my guns were off my body. I heard the men coming up the stairs and still never suspected a thing until they burst into the room, then of course, there was a fight. I got hold of a gun, but something was the matter with it and it would not work. They had me down on the floor and three big farmers were on top of me and had the handcuffs on me when one of the men who thought that they hadn't done enough, shot me with his revolver, so close to my face that the powder burned me. That is the bullet which nearly put out my eye. Then the d---fool kept on shooting. There was a schoolteacher sleeping in the next room and of course he popped his head in to see what was going on. This fool with the gun kept on shooting and nearly killed the teacher. Oh, I tell you, those 'rubes' were fierce. They had Wilkinson and Kennelly all beat out."

After the farmers had captured him they refused to turn him over to the police officers until they had been paid the reward of fifty dollars offered for the return of the team and surrey and the capture of the thieves. The officers were anxious to hurry Kuhns to jail, where his wounds could be treated, as he had received several during the encounter. All the money, however, that they could raise among themselves only amounted to forty-nine dollars. Kuhns gladly contributed the remaining dollar. This is perhaps the first case on record where a criminal voluntarily helped to pay the reward for his own capture.

While on his way to the Ohio penitentiary, in charge of the prison officials, who had been sent to bring him back, Kuhns told a reporter for the Cincinnati ENQUIRER how it felt to be shot. "When the hot lead strikes a bone it surely jars you, but when a ball just makes a flesh wound, in and out you know like country dancing, it doesn't even hurt. Why, I have been shot a half a dozen times that way and did not even get sick. I was shot through the body twice in one fight and then I got away. One bullet went through my breast just above the lung. It bothered me the most for I leaked wind and couldn't breathe very well. The other bullet came in from behind when I was on the run and broke two of my ribs. I walked lopsided for a year, but am all right now."

On Saturday 8:30 P.M., January 19, 1901, the prison doors of the Ohio State penitentiary again closed upon Marvin Kuhns, after his vacation of about two months. Weakened after his desperate fight, the prison doctors entertained grave fears concerning his recovery, but again his strong constitution pulled him through.

He was assigned to work in the Stamp mill of the penitentiary. There he worked more earnestly than ever, realizing that it was only by conscientious efforts and by strictly legal means that he could ever obtain his freedom. Again petitions were circulated by the woman who loved him, and after much wire pulling and many arguments before the Board of Pardons he received his pardon on Christmas Day, 1905. He returned home to Kendallville, where he married Mrs. Hagan, and opened the last chapter of his life.

Marvin Kuhns was pardoned by Governor Her- rick on Christmas Day, 1905. Mrs. Kate Hagan, who had worked so faithfully and devotedly for his release, was his wife. When asked by a reporter as to what his plans for the future would be, Kuhns replied with these

words: "My old life is buried; hereafter it will be an honest one." After their marriage the couple moved to Kendallville, Indiana, where he secured work on the interurban railroad, which was then in process of construction between Fort Wayne and that city. After leaving the employ of the Toledo & Chicago Interurban railroad he then went to work on the construction of the new city building. Nothing but the best words could be heard concerning his conduct. He worked faithfully. It was generally believed that his old life was buried and that he fully intended to live honestly.

This belief was strengthened when the Kuhns family moved to the eighty acre farm some four miles southwest of Kendallville. Here he settled down presumably to lead the honest and quiet life of a farmer. Mrs. Hagan's two boys lived with them and they assisted their stepfather in his daily tasks around the farm. He was a frequent visitor at Kendallville and it was impossible to discover any evil conduct while located there.

In the spring of 1907 farmers in the vicinity of Fort Wayne began to miss certain valuable horses. Suspicion soon pointed to Kuhns, but this suspicion was unfounded and unsupported by any known fact. A friend of Marvin Kuhns once said, and this saying was applicable to his predicament then: "Marvin Kuhns beats the dual nature attributed to Jekyll and Hyde. Every horse and buggy stolen, every man held up or knocked down, within a radius of a hundred miles of Albion, is credited to poor Marvin, who seems to have a double nature of being in two places at the same time." Nothing was proved regarding these various robberies. However, he stole once too often. The old game of horse stealing, the fact that he could get something for nothing, appealed too strongly to him. His very nature fed upon a life of robbery and of criminality, was too weak to withstand the temptation for one more

horse stealing expedition.

On Saturday, June 1st, he told his wife that he was going to Cleveland, Ohio, on a fishing trip and also to collect some money which was owing him. He said he would then go to Tiffin, where he would enjoy a visit with some of his old friends. He came from his farm to Kendallville on the interurban railroad, arriving here Saturday 9:00 A.M. He talked with several citizens, among whom were Robert P. Barr, his attorney, and Joseph Berhalter, who was deputy sheriff, and who had been engaged in several posses to catch Kuhns. It is presumed that he left Kendallville for Fort Wayne about three o'clock, taking with him a 38 caliber Smith & Wesson revolver. He went to Fort Wayne on the interurban line, thence to Lima, Ohio, and from there to Wapakoneta, Ohio. Toward evening he stole a bay horse and buggy there, which was hitched on the public square. He drove to a point a mile and a half north of St. Marys, Ohio, to the farm of Arthur Smith, where he exchanged horses, taking with him a bay driving horse and single top buggy. Young Smith discovered the theft about seven A.M. Sunday. He at once telephoned his grandfather, Wesley Smith, who advised him to follow the thief. From noises heard Saturday night, it was supposed that Kuhns stole the horse between one and two o'clock Sunday morning. They tracked the horse north from St. Marys toward Kossuth. From Kossuth he went to Monticello and from there to Jonestown, Ohio.

The farmers through that section of the country all had phones in their residences. At the signal of ten short rings it was the duty of every farmer to go to the phone, for it is known that the presence of every farmer is needed at a fire or robbery or some other public danger; so it was with the escape of this horse thief. They did not know it was Marvin Kuhns that they sought. Had they known this they would been more

wary. Soon every farmer along the line was apprised of the fact that a horse thief was passing through the country. Smith and his hired man rode into Van Wert about noon, while at the same time Kuhns was feeding his horse about five miles east of Van Wert, at a small place called Spice Run. Smith procured the assistance of Sheriff Fred J. Hott. The two started after the robber with a two horse team. About 2:30 P.M. Sunday they sighted Kuhns on the Moltz road, about three miles from the Defiance road, and about four or five miles north of Van Wert.

Kuhns at this time was driving quite rapidly down the road, having the top of the buggy raised. Hott and Smith drove up behind him and Smith identified the horse. Hott thereupon ordered him to stop, which command Kuhns disobeyed. Thereupon Hott drew his revolver and fired over the buggy, intending to scare Kuhns. Sheriff Hott related his story as follows:

"After firing my first shot, which passed over Kuhns' buggy, he turned around and fired back at me. By this time young Smith had jumped from the rig and I was left alone to drive the two horses which were fast becoming unmanageable. Kuhns and I then fired several shots at each other, none of his taking effect. One of mine, however, punctured him in the right shoulder and soon he began to bleed profusely. Whipping up my team I passed him in a broad part of the road, and was thus able to head him off. Just as I was about to stop him I lost control of my horses and I was thrown into the ditch alongside of the road. Kuhns, in passing me, fired five shots, none of which struck me, although most of them came uncomfortably close. All this occurred about 3:00 P.M.

"Kuhns rode on down the road. Due to his fast driving, his horse played out, whereupon Kuhns started across the field and into the woods owned by Mr.

John Grubaugh. Some time expired before a sufficient posse was aroused to effect his capture. Kuhns, meanwhile had hidden in the woods. He stayed there about two hours. The farmers by this time were well aroused and soon surrounded him on all sides. Kuhns saw that he was hard pressed whereupon he pointed his revolver at one of the farmer boys and took his gun away from him. The farmers were all armed with shotguns, rifles, and revolvers, and Kuhns' escape was now almost impossible.

"Mounting his stolen horse Kuhns made for what he supposed was a lane, firing repeatedly at the posse, who returned the shots with as much vigor. Mr. M. C. Hoagland was the nearest to him. It was he who probably fired the fatal shot, for in his testimony before the Coroner's inquest, Mr. Hoagland said: 'I was about ten rods behind him in William Keith's cornfield. He fired at me, the bullet piercing my coat sleeve. He fired at me three different times. I in turn fired three shots at him with my 38 caliber revolver. He was on the ground when I fired my last shot, but after I fired my last shot I judge that he went about thirty rods and then dropped, where he was easily overpowered.'" This, in the barest of detail, is the story of Kuhns' last fight.

He was shot about five o'clock. Drs. Ernest Cohn and J. B. Wilson, of Scott, Ohio, were immediately summoned to the residence of John Black, where Kuhns was lying seriously injured. Examination revealed that a 38 caliber bullet had entered about one and one-half inches above the ilium bone, near the pelvic cavity, on the left side. It took a forward and upward course, puncturing the bowels in eight places, and lodged in the right side underneath the skin. This bullet was the one which proved fatal. Kuhns was brought to the Van Wert city jail, where he was placed upon a cot and strapped there to prevent his escape.

The officers discovered his identity by means of letters, newspaper clippings containing his picture, and his certificate from the Board of Pardons. They then knew that they had effected the capture of Marvin Kuhns. Little could be done to relieve his suffering. High fever and internal hemorrhages caused him to crave water. The doctors urged upon him the necessity of making some statement. However, he remained stolid to the last. He did not even reveal his name. At ten-fifty P.M. he died from loss of blood.

Mrs. Kuhns was immediately notified. She went to Van Wert the next morning. She was much grieved. At first she was reluctant to believe that her husband had been shot. Her grief was uncontrollable. She brought the body of Marvin Kuhns back to his old home, where on June 5, he was buried. His grave lies in the Wolf Lake cemetery, near that of his mother.

The funeral services were held at the late residence near Lisbon, and the burial at Wolf Lake cemetery attended by several hundreds of people. The funeral addresses both at the house and at the grave were given by A. R. Cole, of Kendallville, using the same scriptures as a basis for the remarks that were made. The lessons read were Job 14, and John 5:24-29. A few friends sang some hymns appropriate for the occasion.

The undertakers, Berhalter & Sons, took charge of the remains which were followed to the grave by a large number of friends.

Appendix I

LIFE HISTORY OF MARVIN KUHNS

William H. Blodgett

Albion, Ind., December 18--The life history of Marvin Kuhns, murderer, burglar, housebreaker, firebug, escaped convict and outlaw, will never be written in all of its details. He crowded into his thirty-three years more adventure than any man who made Indiana his home. Like most desperadoes, Marvin Kuhns has been accused of a great deal of crime of which he was innocent. He was shot several times; his head was a mass of scars from policemen's clubs, and on his body were the marks of knife thrusts. He served time in the Indiana State prison, and was sentenced for life to the Ohio penitentiary. Whole platoons fired volleys at him, but he escaped. He seemed to bear a charmed life.

"It is reported, Mr. Kuhns," I said to him in a recent conversation, "that you wear a steel shirt."

"Well, I stole the shirt I am wearing," he answered, laughingly.

Marvin Kuhns was born in Noble County, not far from Albion. He was a precocious youth; the first crime charged against him was the burning of a school-house because the teacher whipped him. After that he engaged in much petty stealing; he became a terror in his neighborhood because of his quarrelsome disposition and his thieving propensities. One night he robbed a country store. He selected a good suit of clothes, donned it, and exchanged his old shoes for a new pair from the stock, leaving his old ones behind.

The village shoemaker had patched the shoes, and he identified them as those belonging to Marvin Kuhns. He was arrested and lodged in the county jail, but not until he gave the county police a lively fight.

Kuhns had a fondness for firearms, and practiced shooting with both hands until he became a crack shot, but he was caught unaware this time and no lives were lost in capturing him. About the jail he was a model prisoner and became a "trustee." He gained the confidence of the sheriff and his family. Confined in the jail with him was John Howe, a noted horse thief; Howe and Kuhns became great friends. One day Kuhns almost killed his jailer, and with Howe made his escape. They stole the sheriff's horse and went to Green Center, where the horse was tied in a fence corner. They stole two horses and started for Kentucky, stealing and trading horses as they traveled. In Kentucky officers gave chase. Kuhns put on women's clothes, but the pair were finally captured and brought to Indiana, tried and convicted, and sent to Michigan City prison. When he had served his sentence Kuhns was not much more than twenty years old. After that he specialized in stealing horses. He boasted to a fellow convict that he had stolen more than 100 horses. The headquarters of Kuhns and his gang was at a livery stable on Summit Street, Toledo, and there they took their animals to be sold. Kuhns, by his recklessness, drew about him a gang of men and women as reckless as himself. Among the number was Della Bird, an attractive young woman of Defiance, Ohio. She became charmed by the dashing, good-looking young crook, and they traveled together, working the "badger game," and separating people from their money in various ways.

In the gang with Kuhns was John Campau, who claimed to be a horse trader, but who really assisted Kuhns in taking horses to Toledo. Campau was drunk a good portion of his time, and had several quarrels with Kuhns and Della Bird. One night, at Fostoria, Ohio, the three were in a disorderly house, and the two men quarreled. The next morning the body of a

man was found in an alley back of a shed in Fostoria. The body had been dragged some distance and thrown where it was found. The murdered man had been shot through the head. The discovery of the body caused a great deal of excitement, and the coroner offered a reward of \$50 for the identification of the body. Marvin Kuhns appeared on the scene and identified the body as John Campau and claimed the reward. The coroner was suspicious of Kuhns and ordered him held, but Kuhns escaped. The detectives worked up the evidence, and it was decided that Kuhns committed the murder. The people of Fostoria offered a reward of \$300 for Kuhns, and Seneca County added \$250 more.

The detectives from all over the country were at work on the case, and Kuhns several times narrowly escaped arrest. However, he showed his reckless daring at Fostoria when the coroner ordered him held. He was placed in charge of a large and heavy policeman; while the policeman was talking to him, Kuhns vaulted to freedom, followed by a shower of bullets. Kuhns made his way to Columbus, Ohio. There he was arrested by detective Mahoney, who found him some distance outside the city. Kuhns was handcuffed and put in a buggy by Mahoney. They drove along serenely until near the city. Then in an unguarded moment Mahoney bent forward; in an instant Kuhns began pounding Mahoney over the head with his iron cuffs. The detective was knocked from his buggy and Kuhns drove away, leaving the officer by the road side. Della Bird met him and secured the services of a locksmith, who filed off the handcuffs. Kuhns disappeared again; though the officers searched everywhere, he seemed to have stepped off the face of the earth.

Two weeks later two men, Marvin Kuhns and his brother, John, appeared in a restaurant at Huntington. A man who knew them informed Marshal Rosebaugh of the identity of the men. Rosebaugh walked

into the restaurant and tapping Marvin Kuhns on the shoulder, told him that he wanted to see him.

"What for?" asked Kuhns, with indifference.

"You come with me to the sheriff's office, and I will tell you," answered the marshal.

"All right; just as soon as I get supper."

The marshal stood around while the brothers ate their meals, accepted a cigar from them, and then the two started for the sheriff's office. At the jail entrance was a large iron gate and as the marshal attempted to open it he found himself looking into the muzzle of two ugly revolvers.

"Put up your hands, and keep them up," said Marvin Kuhns, as he backed away and the marshal hastened to accept the invitation. Kuhns continued to back away and finally let drive at the marshal, but missed him, the bullet passing through a window of the court house. Then the marshal opened fire on Kuhns, and wounded him in the hip, but the wound was not serious. Della Bird, Marvin's faithful sweetheart, nursed him again.

In Fort Wayne a man named Barkley, hungered for the rewards aggregating more than \$1,000, which were hanging over Kuhns' head. He went to Tom Wilkinson who, at that time was a deputy sheriff, but who later served as a detective for the Nickel-Plate railroad, and told him that Kuhns would be in Fort Wayne at a certain time. Wilkinson made arrangements with Barkley to notify him of Kuhns' arrival. Kuhns however was suspicious, and after a short stay in Fort Wayne, he went to Churubusco. Wilkinson secured the services of John Kennelly, a night policeman on the Fort Wayne force, and the two drove to Churubusco, arriving there about 6 o'clock in the evening. They were in a restaurant when a woman entered and said that Kuhns and one James Meese were at her house, shooting their revolvers and breaking up the furniture.

Wilkinson and Kennelly started down the street, accompanied by the woman and met the two men. Kennelly jumped in between them, and threw his arm about Kuhns' neck, at the same time, pinfolding Kuhns' right arm to his side. But the desperado drew his revolver with his left hand and began firing. Kennelly was shot three times, once in the side, once in the head, and once in the leg. Wilkinson caught Kuhns by the collar with the left hand, and began pumping lead into his back, shooting him four times. In the meantime Kennelly had fallen, and Wilkinson gave attention to his wounded partner. Kuhns escaped. Meese was slightly wounded in the hip.

The next morning Kuhns was arrested by the sheriff's posse and taken to Fort Wayne. He employed attorney G. W. Loutitt to defend him. The Ohio officers, however, kidnapped the prisoner, and he was placed on trial at Tiffin, Ohio. The Ohio authorities claimed that the murder of Campau was committed in Seneca County, though the body was found at Fostoria, just across the line in an adjoining county. The trial attracted wide interest and lasted seventeen days. Mr. Loutitt took part in the trial also, Kuhns' defense was that he did not commit the murder; that he and Campau and Della Bird were all drunk, and that when he left Campau was asleep. Della Bird tried to save her lover, but her testimony was impeached, and Kuhns was given a life sentence in the Ohio penitentiary. He started to serve his time; he soon became a model prisoner. Meanwhile, Della, to secure money with which to help Kuhns, attempted to rob an old man at Defiance, Ohio; she was sent to the Ohio prison for four years.

Kuhns as a model prisoner at the Ohio prison, soon became a trusty. He had the run of the prison, and was granted extraordinary privileges. When he failed to get a parole or a pardon, he determined to

get away, and selected Thanksgiving day, when there was a crowd of visitors at the prison. Kuhns had a pet dog that was very fond of him; he was afraid that the dog would follow him. He managed to get in communication with his brother John, who was also a convict, and through some pretext John took charge of the dog. Kuhns managed to go out of the prison gate several times during the day, but always returned.

As if fate was on his side, the warden sent him to look after the heating plant, outside the walls, and as Kuhns passed through what was called the "bull pen," he asked a guard sitting there to go with him to look at the plant. The guard stood at the door, while Kuhns tested the heaters. Then he passed into an adjoining room, crawled out of a coal hole, and leisurely walked down the street. As he walked along he saw the deputy warden across the street, but the officer did not notice him, and in a minute more he was in a lumber yard, close to the prison. Here was secreted a suit of clothes, \$40 in cash and a revolver, and in a short time Kuhns had shed his prison suit and was away to liberty.

Of his action after he escaped from the Ohio penitentiary, Kuhns talked with great freedom. He admitted that he took a horse to reach Indiana, but he declared that he turned the animal loose in the road and then made his way to the neighborhood in which I found him, walking thirty miles in one night. He declared that he had been close around his brother's house, sleeping in the woods and eating, with a pistol at his side, but he had done nothing that should cause him to be hunted by the police after that time.

"I know there is no use in my denying anything," said he, "but it's the truth I am telling. I have had enough, and I hope to have a parole in time. So far as the Logansport affair is concerned, I know nothing about it, except what I have read in the papers. If

I had to do so, I could prove where I was that night. I am not the man the farmers down around Rochester were chasing. I have not been chased by any one since I have been in this neighborhood. I wish they would give me a chance, and if I don't show that I want to be a law abiding citizen, they can send me to the chair at Columbus."

"But what about the shot in your face, Marvin?"

"I am not talking about them for publication," and a cold-blooded look came into the eyes that warned me that he was not particular whether I learned that part of his history or not.

There was a good deal of talk that Kuhns intended to kill Tom Wilkinson, the detective, who shot him at Churubusco, if he ever met him. I asked Kuhns if he intended to make the attempt. He declared that he would not; that he felt that Wilkinson did not give him a fair deal, but it was all over now, and he would harm no living thing if he is allowed to rest in peace.

I do not know where Kuhns is now. Like the swamp fox that he is, he has no doubt put miles between himself and the place where I met him. And an ideal place it was to hide, too. But it is only a question of time until the officers catch up with him, and Marvin Kuhns will die with his boots on. But the man who tries to arrest him will have an excellent chance to change worlds.

W. H. BLODGETT

THE INDIANAPOLIS NEWS, December 18, 1900

Appendix II

EXTRADITION OF KUHN'S

The JOURNAL remarked yesterday (January 9, 1891) morning that when Sheriff Viberg released his grasp on Kuhns the outlaw's head would slip into a hoop of hemp.

When Governor Campbell, of Ohio, made a demand on Governor Hovey for Kuhns, the Hoosier chief executive hesitated to act on receipt of a telegram from Attorney Loutitt, of Fort Wayne, who represented Kuhns.

Seeing the folly of delay in so grave a case, the governor, late Monday evening, issued extradition papers and they arrived here yesterday in the hands of Marshal Henry Neff, of Fostoria.

When he arrived yesterday morning, Sheriff Viberg summoned State Attorney Robinson. His purpose was to take Kuhns into court, prove his identity and ship him to Ohio for trial.

Judge O'Rourke, however, was ill and Judge Dawson had adjourned court to go to Indianapolis.

Sheriff Viberg, Deputy Lindsay and Officer Straus, of Ohio, placed Kuhns in a closed carriage in order to avoid notoriety and drove overland to Auburn.

Prosecutor Robinson and the other Ohio officers took the Lake Shore train, arriving in Auburn at 12 o'clock, three hours in advance of the driving party.

Kuhns was taken at once before Judge Powers, of DeKalb County. The Ohio officials presented requisition and extradition papers.

Kuhns arose to ask for a continuance pending the arrival of his attorney. "He has papers and proof that will free me," remarked the outlaw with an air of abandon.

By this time it was noised about Auburn that

Kuhns was in court. People began to flock to the court house from all quarters of that community.

When the court house began to show signs of severe strain, Judge Powers continued the case until 5:30, to await Loutitt's arrival from Fort Wayne. He had already telephoned for the young attorney.

At that hour the outlaw was again hurried into court, represented by Loutitt; Mr. Robinson appeared for the state. It readily became apparent that young Loutitt had no grounds on which to base the retention of Kuhns; Judge Powers therefore decreed that the prisoner should be handed over to the Ohio officers.

Heavily ironed, Kuhns was placed aboard an outgoing Baltimore & Ohio passenger train and taken direct to Tiffin, Ohio, the county seat of Seneca County.

In the course of the arguments at Auburn, the Ohio officers had submitted positive proof of the guilt of Kuhns. They expressed no fear but that they can secure for him the death penalty.

The crime was committed on the night of November 16, at Fostoria. At that time the body of William Campau was found near the town. He had met his death from a pistol shot. Evidence of incriminating character was developed by the coroner's inquest against Kuhns.

On leaving the jail here yesterday Kuhns remarked: "I've been stealing all my life and now I find myself stolen off." He was told that he was going to Noble County and did not object, but felt inclined to kick when he discovered that he had landed at Auburn.

On starting for Ohio he was disposed to be friendly and remarked, "I have no ill feeling, boys, it's all right."

"If we held Kuhns until the courts convened Monday," said State Attorney Robinson, "other complications might arise and we decided to take no

chances. On learning that court was in session at Auburn we hastened there, and Judge Powers kindly abandoned a ditch case to attend to Kuhns. There is no question of the fellow's guilt, and he richly deserves hanging for the cowardly murder of Campau. The prosecuting attorney at Tiffin, where Kuhns will be tried, writes me that he has a clear case against him."

THE FORT WAYNE JOURNAL, January 7, 1891

Appendix III

KEEPING KUHNS

Seneca County is Finding Him
a Sort of White Elephant

Precautions Against His Escape
Is the "Oregon Boot" Necessary
Trial Likely to Be This Term

TIFFIN, Jan. 9--Marvin Kuhns fully realizes that he is, perhaps, more thoroughly a prisoner than any other man in the state, and that his chances for escape have been reduced to an infinitesimal minimum.

He is confined in a double steel-barred cell in the jail, and surrounding this is a narrow cage-like corridor, and beyond that two solid steel doors between him and liberty.

In addition he is kept constantly under the eyes of two watchmen, and he can not so much as turn over in his cot at night that his every movement is not noted.

Yesterday, in addition to these safeguards, Sheriff Burman received from John T. Norris an instrument of torture known as the "Oregon boot," and this, as a further precaution, will be placed upon Kuhns' leg. The peculiar effectiveness of this device is seen in the fact that the person to whom it is attached cannot move faster than a slow walk.

Kuhns, while evidently enjoying his notoriety, speaks with contempt of the extraordinary care taken to prevent him from even contemplating an escape,

and guys his guard without mercy.

The grand jury has not yet reported, but it is thought he will be arraigned and counsel assigned for his defense before the close of the week.

If this is done, it is probable that he will be tried at this term of the court. An effort will be made by the authorities to accomplish this, as he is, and if not tried promptly, will continue to be, a heavy expense to the county, and withal something of a white elephant.

THE FORT WAYNE JOURNAL, January 10, 1891

Appendix IV

AGAIN A PRISONER IN OHIO

PLYMOUTH, Ind., January 21--Deputy Warden Long of the Ohio prison, and Sheriff Baumbert, Town Marshal Chaney and ex-Sheriff Marshall escorted Marvin Kuhns back to the Ohio prison, from which he is not likely ever again to escape. Kuhns accepted the situation philosophically, although, as he put it, he was much chagrined to think that he had been "caught by a lot of Rubes, damned farmers, who wore straw hats and carried pitchforks." Kuhns claims that he had never laid aside his arms from the time of escape, save on the night of his recapture, when he thought he was so far away from anybody who knew him that he was safe from molestation. He heard the posse enter the house, but he had no suspicion of their errand until they broke into his room, and he insists that three men had him on the floor and he was handcuffed before the shot was fired which entered his right cheek and made a very ugly wound. He further said that he had started for St. Louis with two companions, and it was his intention to make his way to the Pacific coast. Kuhns made the remarkable statement to the deputy warden that a deputy sheriff of Noble County sent him warning that a warrant had been issued for his rearrest, and it was because of this warning that he tried to escape.

The incident which led to Marvin Kuhns' recapture grew out of the theft of a fine team of grays and a new surrey from Niles Pomeroy, near this city. The owner reported the loss to the Horse Thief Detective Association of this city, and ex-Sheriff Marshall and City Marshal Chaney took up the pursuit, in which others also assisted. The posse divided at Lafayette, three of them driving overland to Monticello, and

striking the trail of the missing team en route. Telephone communication was then had with the villages and Otterbein reported that the team had passed through there early in the morning apparently headed for Green Hill. A posse immediately formed at Otterbein to take up the trail. Upon reaching Green Hill it was found that three men in possession of the property were lodged for the night in a boarding house. It developed that Kuhns was sleeping in one room and his brother John and a companion in another. Then the posse made a dash--Henry Volt heading the posse. Three men attacked Marvin and overpowered him, shooting him in the face; John Kuhns was knocked out before he could draw a weapon. The third man escaped by jumping through a window. Marvin Kuhns was not identified until he was taken to Logansport, and even then he was only known as the man who battled with the police several weeks before, and had wounded Patrolman Dean. After arrival here the identification was complete, and the Ohio authorities were notified. It is now said that there is only \$200 reward for the return of Kuhns, which the warden will pay as soon as the right of ownership is determined. The Otterbein posse, headed by Mr. Volt, will probably lay claim thereto.

INDIANAPOLIS NEWS, January 21, 1901





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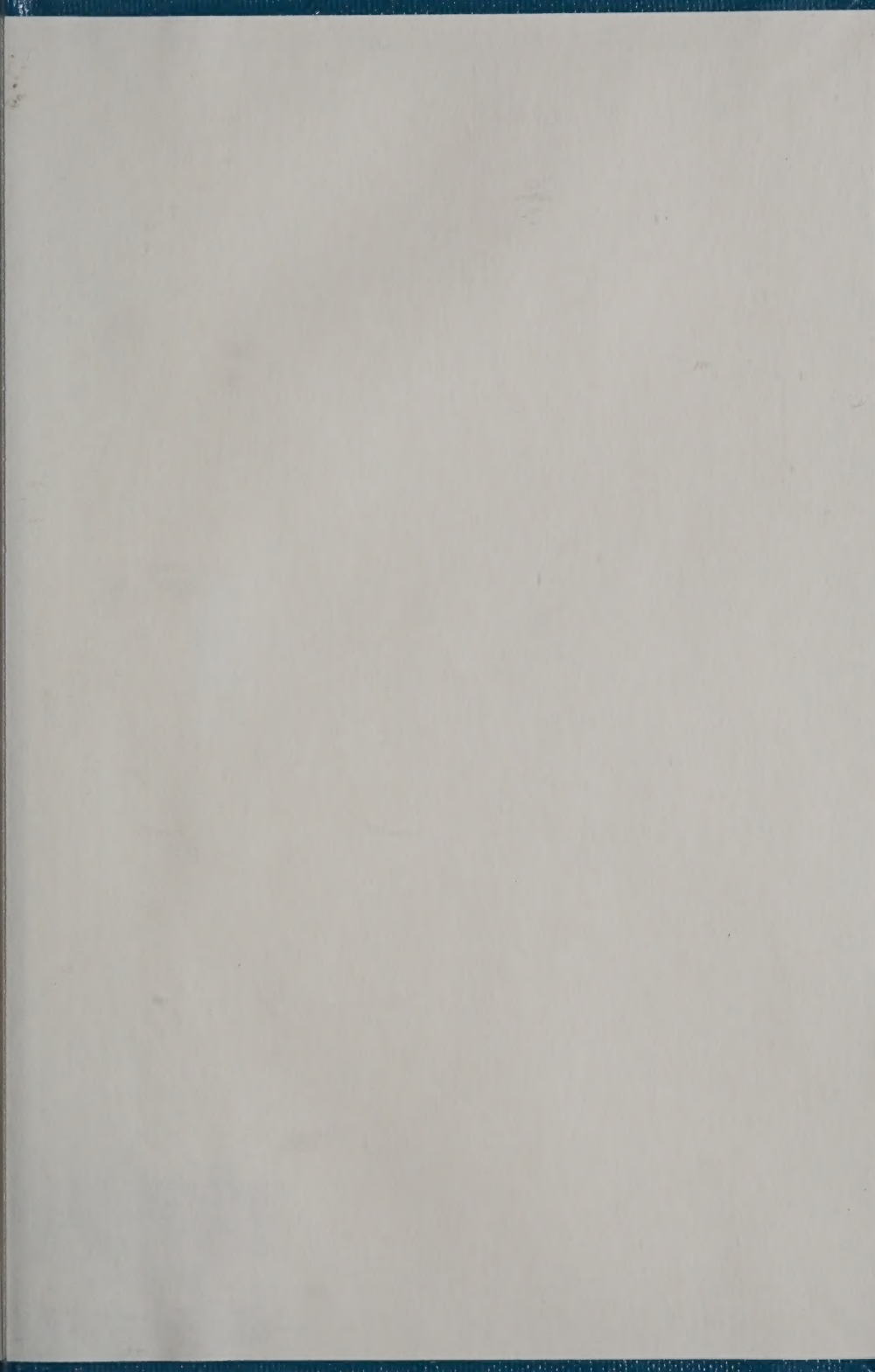
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